

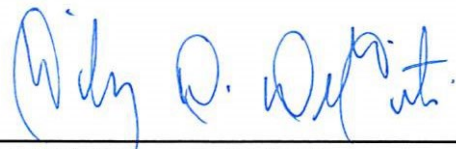
**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HEATHER SMITH, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-559-D
)	
WHALECO INC. d/b/a TEMU,)	
)	
Defendant.)	

ADMINISTRATIVE CLOSING ORDER

IT APPEARING that these proceedings should be held in abeyance during the pendency of the interlocutory appeal taken by Defendant under the Federal Arbitration Act, 9 U.S.C. § 16(a)(1), it is ordered that the Clerk administratively terminate this action in her records without prejudice to the rights of the parties to reopen the proceedings for good cause shown, for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.¹ Unless otherwise ordered, the Clerk shall reopen this case upon receipt of the court of appeals' mandate in *Smith v. Whaleco, Inc.*, No. 24-6155 (10th Cir. July 30, 2024).

IT IS SO ORDERED this 31st day of July, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ Defendant's appeal deprives this Court of jurisdiction to proceed further. *McCauley v. Halliburton Energy Servs., Inc.*, 413 F.3d 1158, 1160 (10th Cir. 2005) ("upon the filing of a non-frivolous § 16(a) appeal, the district court is divested of jurisdiction until the appeal is resolved on the merits"); *see Coinbase, Inc. v. Bielski*, 599 U.S. 736, 744 (2023) ("the district court must stay its proceedings while the interlocutory appeal on arbitrability is ongoing").